

# COUNTY OF SAN BERNARDINO

## DBE SUBCONTRACTORS BIDDER'S PACKET

### I. AUTHORITY

County of San Bernardino Policy Number 15-02SP, as amended, establishes Disadvantaged Business Enterprise (DBE) Program participation goals and procedures.

### II. REGULATIONS

- A. All DBE firms participating in County projects must have an assigned County registration number which is issued by the County Office of Small Business Development (909) 387-8288.
- B All bidders/proposers being evaluated under the good faith effort process must obtain at least 85 points out of 100 to be considered as satisfactorily demonstrating a good faith effort.
- C. **False Claims or Representations** - Bidders making misrepresentations, false claims, intentionally making an untrue statement or violating any policy or regulation of the County DBE Program criteria, shall not be allowed to bid on any future County contracts for a period of two (2) years and shall be taken off the County's bidders list.
- D. **Substitutions** - If awarded the contract, the successful bidder must use the DBE subcontractors and/or suppliers proposed in its final bid/proposal unless the bidder requests and receives written permission from the County for substitution. At a minimum, the request must include: (1) a written explanation of the reason for the substitution; (2) the identity of the proposed person or firm to be substituted; and (3) satisfactory evidence that the DBE participating goals certified in the original bid proposal will still be met after the substitution.

The County's approval or disapproval of a substitution request should not be construed as an excuse for noncompliance with any other provision of law, including but not limited to the Subletting and Subcontracting Fair Practices Act (Public Contract Code Section 4100,

et seq.) or any other contract requirements relating to substitution of subcontractors.

Failure to adhere to the DBE participation proposed by the successful bidder may be cause for contract termination and recovery of damages under the rights and remedies due the County in the default section of the contract.

### **III. DBE SUBCONTRACTOR LEVELS OF PARTICIPATION**

The County's DBE level of subcontractor participation for 2000/2001 is the following: 14% for FHWA and 12% for FAA.

The County is committed to increasing the number of DBEs participating in County construction contracts. Bidders/proposers must either meet the federal-aid DBE goal or must strive to achieve the participation goal by demonstrating that a "Good Faith Effort" was made to secure DBE subcontractors in order to meet goals of the policy.

### **IV. GOOD FAITH EFFORT PROCESS**

Bidders/proposers must assist the County in implementing the policy by taking all reasonable steps to ensure that all qualified business enterprises including DBEs, have an equal opportunity to compete for and participate in County federal-aid construction contracts. A Bidders'/Proposers' good faith effort to reach out to DBEs will be determined from written documentation of the level of effort put into obtaining DBE participation. **Failure to meet expected DBE participation levels will not by itself be the basis for disqualification or determination of noncompliance with this policy.**

**However, failure to include supporting documentation of a good faith effort and failure to achieve a minimum of 85 out of 100 Good Faith Effort evaluation points will render the bid non-responsive and will result in its rejection.**

All bidders/proposers must comply with the good faith effort and their effort will be evaluated on a point basis for the categories identified below on a PASS/FAIL basis (either full points or zero points).

A. Pre-Bid Meeting Attendance

1

B.	Allocation of Work for Subcontractors	19
C.	Assistance Requested From County Office of Small Business Development	19
D.	Written Notices to DBE Subcontractors	19
E.	Assistance requested from CalTrans	19
F.	Plans And Specifications Provided DBE Subcontractors	1
G.	DBE Subcontractor Negotiations Made in Good Faith	21
H.	Assistance Offered DBE Subcontractors Bidder	<u>1</u>
Total		<u>100</u>

There are one hundred (100) points possible for these categories.

Bidder/proposer must achieve a total of eighty-five (85) points in order to have satisfactorily demonstrated a good faith effort. The points for each category will be determined by County personnel on an all-or-nothing basis: either the bidder/proposer has met the requirements of the category and receives all the available points or has not met the requirements and receives no points.

**The evaluation of the Good Faith Effort will be conducted in accordance with the criteria set forth below.**

**A. Pre-Bid Attendance -**

Bidder/proposer should attend the pre-bid meeting (and in some cases, the pre-bid meeting may be mandatory) where all DBE participation goals will be explained in detail. If bidder/proposer did not attend, he/she must submit documentation evidencing that he/she clearly understands the DBE participation requirements. **Submit required documentation as Exhibit (A).**

**Required Documentation: a) attend pre-bid meeting and be listed on the attendance sheet; or b) submit a letter.**

**B. Allocation Of Work For Subcontractors -**

Bidder/proposer is expected to allocate portions of work, which may usually be performed by its own forces, to be bid on by available

subcontracting firms, including DBEs. The bidder/proposer should subdivide the total contract work requirements into smaller portions or quantities to permit maximum active participation of subcontracting firms. **Submit required documentation as Exhibit (B).**

**Required Documentation: Proof of this must be demonstrated in Exhibits (C) and (D). The work allocated to be bid upon must be equal to or greater than the required subcontractor's participation level. Copies of proof may be placed in this exhibit.**

**C. Assistance Requested From County Office of Small Business Development -**

Bidder/proposer is required to contact the Office of Small Business Development and request a list of DBE subcontractors for participation in specific trades, supplies, goods, services or allocation of sub-work needed for the specific project. The request for assistance must be received at least fifteen (15) working days prior to the bid/proposal submittal date. **Submit required documentation as Exhibit (C).**

**Required Documentation: Letter sent to County by bidder/proposer, letter received from County and DBE subcontractor's list received from County.**

**Note:** County Office of Small Business Development will have on file all letters received from bidders/proposers. If there was no letter received by bidder/proposer from County, so state. If no list was received from County, so state.

**D. Written Notices DBE Subcontractors -**

Bidder/proposer must provide written notice of his or her interest in bidding on the project to all the DBE subcontractors received from the County Office of Small Business Development, item (C) above and CalTrans, item (E) below. Notices must request DBE subcontractors to submit a bid/proposal to bidder/ proposer for specific allocation of subwork. Notices must be sent not less than ten (10) working days prior to the bid/proposal submittal date. **Submit required documentation as Exhibit (D).**

**Required Documentation: A copy of each letter sent to available DBE subcontractors for each item of work to be performed. If**

**there is only one master notification, then a copy of the letter along with a listing of all recipients will suffice. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelopes or certified mail receipts. Letters must contain areas of work to be subcontracted, County project name, name of the bidder and contact person's name, address, and telephone number.**

**E. Assistance Requested from CalTrans -**

Bidder/proposer is required to contact CalTrans on-line Bulletin Board System (BBS) DBE directory of certified firms for specified work categories needed. **Submit required documentation as Exhibit (E).**

**Required Documentation: List all DBE subcontractors found in CalTrans directory stating name of company, contact person, address, telephone number and certification number, and include in Exhibit (D), written notices sent.**

**F. Plans and Specifications Provided DBE Subcontractors -**

The bidder/proposer provided interested DBE subcontractors with information about the plans, specifications and requirements for the selected subcontracting or material supply work. **Submit required documentation as Exhibit (F).**

**Required Documentation: Include in Exhibit (D) information detailing how, where and when the bidder will make the required information available to interested DBE subcontractors.**

**G. DBE Negotiations Made in Good Faith -**

The bidder/proposer negotiated in good faith with the DBE subcontractor, and did not unjustifiably reject as unsatisfactory bids prepared by any DBE subcontractor as determined by the County. **Submit required documentation as Exhibit (G).**

**Required Documentation: Bidder/proposer shall submit a summary sheet organized by work area or sub-bid, listing all subcontractor bid amounts received (including non DBE bids). The summary shall identify all DBE subcontractors and the subcontractor selected for each work area or sub-bid. If the subcontractor selected is not the lowest bidder, bidder/proposer**

**must give reason for selection. If the bidder elects to perform a listed work area or sub-bid with its own forces, the bidder/proposer must include a bid that shows their own costs for the work.**

**H. Assistance Offered DBEs By Bidder/Proposer -**

Where applicable, the bidder/proposer advised and made efforts to assist interested DBE subcontractors in obtaining bonds, lines of credit, or insurance required by the County or bidder/proposer. **Submit required documentation as Exhibit (H).**

**Required Documentation: Include in EXHIBIT (D), information about the bidder's efforts to assist with bonds, lines of credit and insurance.**

**V. INSTRUCTIONS FOR COMPLETING FORMS**

**A. DBE Certification Form**

All bidders/proposers must complete this form certifying that either the contract goals were achieved or the Good Faith Effort process was completed. This form must be submitted with bid documents.

**B. DBE Good Faith Effort Affidavit -**

All bidders/proposers must complete this form certifying that the required Good Faith Effort documentation was completed. This form must be submitted with bid documents.

**C. DBE Subcontractors Listing Form -**

Bidders/proposers shall complete this form providing the firm's contact person, name and County/CalTrans registration number of all DBE subcontractors to be used on this project.

**D. DBE Subcontractors Participation Form -**

Bidders/proposers shall complete this form outlining the contract item number, if any, portion or work which will be performed by each listed DBE/MBE/WBE subcontractor, County/CalTrans registration number, contract dollar amount and DBE/MBE/WBE designation.

Bidders/proposers may make clear reproductions of the form as required. When more than one form is used, form number one (1) must have the total dollar amounts and percentages of MBE, WBE and DBE participation. All forms must be signed by the owner, chief executive officer, president, etc., or his/her designee.

The following MWBE participation requirements shall apply.

- (1) Any MBE or WBE participant that is certified as a MBE and a WBE may be counted as either a MBE or WBE but not both.
- (2) Any bid amount proposed for DBE/MBE/WBE participation can only be counted once. That is, further subcontracting or spending of DBE/MBE/WBE designated bid amount to another DBE/MBE/WBE subcontractor/supplier will not count toward meeting the contract goal. Moreover, any part of a DBE/MBE/WBE designated bid amount that is further designated for any other subcontractor involved in the same final bid/proposal will not count toward meeting the contract goal.

**E. DBE/MBE/WBE Final Subcontractors Report -**

This form is to be completed no later than 15 days after completion of final inspection report.

**VI. FORMS ATTACHED AND INFORMATION TO BE COMPLETED**

- A. DBE Certification Form**
- B. DBE Good Faith Effort Affidavit**
- C. DBE Subcontractors Listing Form**
- D. DBE Subcontractors Participation Form**
- E. DBE Final Subcontractors Report**

**COUNTY OF SAN BERNARDINO**  
**GOOD FAITH EFFORT DBE PROGRAM**  
**DBE GOOD FAITH EFFORT AFFIDAVIT**

**CONTRACT TITLE:** \_\_\_\_\_

PARTICIPATION GOALS: DBE/MBE/WBE    - 14% FHWA      12%FAA
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**BIDDER'S NAME:** \_\_\_\_\_ **BID OPENING DATE:** \_\_\_\_\_

**CONTRACT SPECIFICATION #:** \_\_\_\_\_ **BID AMOUNT: \$** \_\_\_\_\_

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This Affidavit must be signed and submitted with your bid or proposal. In addition, documentation ***MUST*** be submitted to support your contention that a “***GOOD FAITH EFFORT***” was made to secure DBE Participation.

	COMPLETED	
	✓ YES	✓ NO
A. Pre-Bid meeting attendance	<input type="checkbox"/>	<input type="checkbox"/>
B. Allocation of work for subcontractors	<input type="checkbox"/>	<input type="checkbox"/>
C. Assistance requested from County Office of Small Business Development	<input type="checkbox"/>	<input type="checkbox"/>
D. Written notices to DBE subcontractors	<input type="checkbox"/>	<input type="checkbox"/>
E. Assistance requested from CalTrans	<input type="checkbox"/>	<input type="checkbox"/>
F. Plans and specifications provided DBE subcontractors	<input type="checkbox"/>	<input type="checkbox"/>
G. DBE subcontractor negotiations made in good faith	<input type="checkbox"/>	<input type="checkbox"/>
H. Assistance offered DBE subcontractors by Bidder	<input type="checkbox"/>	<input type="checkbox"/>

**I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.**

COMPANY

NAME: \_\_\_\_\_

COMPANY

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP

CODE: \_\_\_\_\_

PRINTED/TYPED NAME: \_\_\_\_\_ TELEPHONE NO. (\_\_\_\_) \_\_\_\_\_



SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

**COUNTY OF SAN BERNARDINO**  
**GOOD FAITH EFFORT DBE PROGRAM**  
***DBE SUBCONTRACTORS LISTING FORM***

(Page\_\_\_\_\_of\_\_\_\_\_Pages)

**CONTRACT TITLE:** \_\_\_\_\_

YOU MAY MAKE AS  
MANY COPIES OF THIS  
FORM AS NECESSARY

**BIDDER'S NAME:** \_\_\_\_\_

**CONTRACT SPECIFICATION #:**\_\_\_\_\_ **BID OPENING DATE:**\_\_\_\_\_

[illegible]

SIGNATURE OF BIDDER: \_\_\_\_\_ DATE SIGNED: \_\_\_\_/\_\_\_\_/\_\_\_\_

**COUNTY OF SAN BERNARDINO**  
**GOOD FAITH EFFORT DBE PROGRAM**  
**DBE SUBCONTRACTORS PARTICIPATION FORM**

(Page \_\_\_\_ of \_\_\_\_ Pages)

**CONTRACT TITLE:** \_\_\_\_\_

PARTICIPATION GOALS: DBE/MBE/WBE -
14% FHWA      12%FAA

**BIDDER'S NAME:** \_\_\_\_\_ **BID OPENING DATE:** \_\_\_\_\_

**CONTRACT SPECIFICATION #:** \_\_\_\_\_ **BID AMOUNT: \$** \_\_\_\_\_

CONTRACT ITEM NO.	ITEM OF WORK AND DESCRIPTION OF WORK OR SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED	COUNTY /CALTRANS REGISTRATION NUMBER	CONTRACT DOLLAR AMOUNT	DBE MBE WBE

TOTAL CLAIM THIS PAGE PARTICIPATION

TOTAL CLAIM OTHER PAGES  
PARTICIPATION

GRAND TOTAL ALL PAGES

**YOU MAY MAKE AS MANY COPIES OF  
THIS FORM AS NECESSARY.**

MBE PARTICIPATION CLAIM

WBE PARTICIPATION CLAIM

DBE PARTICIPATION CLAIM

	% OF TOTAL CONTRACT
	%
	%
	%
	%

**I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.**

SIGNATURE OF BIDDER: \_\_\_\_\_

DATE SIGNED:\_\_\_\_/\_\_\_\_/\_\_\_\_ TELEPHONE No. (\_\_\_\_)\_\_\_\_-\_\_\_\_

COUNTY OF SAN BERNARDINO
GOOD FAITH EFFORT DBE PROGRAM
DBE FINAL SUBCONTRACTORS REPORT

(Page \_\_\_\_ of \_\_\_\_ Pages)

TO BE SUBMITTED WITHIN 15 DAYS OF FINAL INSPECTION REPORT

BIDDER'S NAME: \_\_\_\_\_

CONTRACT #: \_\_\_\_\_

Table with 5 main columns: DBE/MBE/WBE FIRM NAME, COUNTY/CALTRANS REGISTRATION #, DESCRIPTION OF WORK RENDERED, REPORT DBE/MBE/WBE \$s ONLY (ORIGINAL DOLLAR AMOUNT, FINAL DOLLAR AMOUNT), and REASON(S). It contains 12 empty rows for data entry.

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.
SIGNATURE OF BIDDER: \_\_\_\_\_

Summary table with 6 columns: CATEGORY, ORIGINAL \$, %, FINAL \$, %, DIFFERENCE(S), %. Rows include DBE, MBE, and WBE.

DATE SIGNED:\_\_\_\_/\_\_\_\_/\_\_\_\_ TELEPHONE No. (\_\_\_\_)\_\_\_\_-\_\_\_\_\_

**COUNTY OF SAN BERNARDINO**

**BIDDER'S DISADVANTAGED BUSINESS ENTERPRISE CERTIFICATION FORM  
(STATUS OF SUCONTRACTORS AND SUPPLIERS)**

Contract Title \_\_\_\_\_

Contract/Specification Number \_\_\_\_\_

Bid Amount \$ \_\_\_\_\_ Bid Opening Date \_\_\_\_\_, 20 \_\_\_\_\_

DBE GOALS OF CONTRACT:(x) \_\_\_\_\_ 14% FHWA Project \_\_\_\_\_ 12% FAA Project

☐

CONTRACT GOALS ACHIEVED

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GOOD FAITH EFFORT AFFIDAVIT COMPLETED |

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I hereby certify that I have made a diligent effort to ascertain the facts with regard to the representations made herein and, to the best of my knowledge and belief, each firm set forth in this bid as a Disadvantaged Business Enterprise complies with the relevant definition set forth in the County of San Bernardino Policy Regulations.

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Bidder's Company Name \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Contact Person \_\_\_\_\_ Telephone No. (\_\_\_\_) \_\_\_\_\_

Owner/CEO Signature \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_, 20 \_\_\_\_\_